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06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09       UNITED STATES OF AMERICA,                   ) CASE NO. CR99-294 MJP  
10    )  
11       Plaintiff,                                      )  
12    )  
13       v.    ) SUMMARY REPORT OF U.S.  
14       TIMOTHY PAUL SABALA,                        ) MAGISTRATE JUDGE AS TO  
15    ) ALLEGED VIOLATIONS  
16       Defendant.                                     ) OF SUPERVISED RELEASE  
17    )  
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20   An initial hearing on supervised release revocation in this case was scheduled before me  
21   on June 8, 2007. The United States was represented by AUSA Douglas B. Whalley and the  
22   defendant by Lee A. Covell. The proceedings were digitally recorded.

23   Defendant had been sentenced on or about February 28, 2001 by the Honorable Barbara  
24   Jacobs Rothstein on charges of Conspiracy to Import and Distribute Marijuana and Conspiracy  
25   to Engage in Money Laundering, and sentenced to 15 months custody, 5 years supervised release.

26   The conditions of supervised release included the standard conditions plus the requirements  
27   that defendant submit to search, participate in drug treatment, abstain from alcohol, provide access  
28   to financial information, participate in a mental health program, and not associate with any known

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS  
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE  
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01 gang members. (Dkt.132.)

02 On May 25, 2004, defendant's probation officer reported that defendant was believed to  
03 have violated the conditions of supervision by committing the crime of driving while license  
04 suspended. Defendant was ordered by the Bellingham Municipal Court to attend a driver's  
05 education program and no further action was taken. (Dkt. 163.)

06 On March 7, 2005, defendant's probation officer reported that defendant tested  
07 positive for cocaine. Defendant was reprimanded, placed in a structured testing program, referred  
08 for professional assessment, counseling and intensive outpatient treatment, and no further action  
09 was taken at the time. (Dkt. 4.)

10 In an application dated May 18, 2007 (Dkt. 181 ), U.S. Probation Officer Jerrod  
11 Akins alleged the following violations of the conditions of supervised release:

12 1. Associating with Jamie Barrett, a convicted felon, on or about May 11, 2007,  
13 without the permission of the probation officer, in violation of standard condition No. 9.

14 2. Consuming alcohol on May 11, 2007, in violation of the special condition that he  
15 abstain from the use of alcohol.

16 3. Having contact with Jeffory Fisher, a convicted felon, without the permission of  
17 the probation officer, in violation of standard condition No. 9.

18 4. Having contact with Jade Thomas, a convicted felon, without the permission of the  
19 probation officer, in violation of standard condition No. 9.

20 5. Failing to truthfully answer all inquiries of the probation officer on May 16, 2007,  
21 in violation of standard condition No. 3.

01 Defendant was advised in full as to those charges and as to his constitutional rights.

02 Defendant admitted alleged violations 1, 2, 3 and 5, and waived any evidentiary hearing  
03 as to whether they occurred. (Dkt. 184.) The government moved to dismiss violation 4.

04 I therefore recommend the Court find defendant violated his supervised release as alleged  
05 in violations 1, 2, 3, and 5, and that the Court conduct a hearing limited to the issue of  
06 disposition. I recommend that the Court dismiss violation 4. The next hearing will be set before  
07 Judge Pechman.

08 Pending a final determination by the Court, defendant has been released on the conditions  
09 of supervised release.

10 DATED this 8<sup>th</sup> day of June, 2007.



11  
12 Mary Alice Theiler  
13 U.S. Magistrate Judge  
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cc: District Judge: Honorable Marsha J. Pechman  
AUSA: Douglas B. Whalley  
Defendant's attorney: Lee A. Covell  
Probation officer: Jerrod Akins